

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

KATHY ORTIZ,

Plaintiff,

v.

KMART CORPORATION,

Defendant/Third-Party Plaintiff,

v.

SUNSHINE SHOPPING CENTER, INC.,

Third-Party Defendant.

1:07-cv-32

**TO: Joel H. Holt, Esq.
Wilfredo A. Geigel, Esq.
Patrick D. Blake, Esq.**

ORDER

THIS MATTER came before the Court upon Third-Party Defendant Sunshine Shopping Center's Motion to Compel (Docket No. 53). Defendant/Third-Party Plaintiff filed an opposition to said motion. This order is issued without necessity of reply.

Third-Party Defendant requests the Court to compel the depositions of Rafael Arroyo and Defendant/Third-Party Plaintiff's 30(b)(6) representative for January 13 or 14, 2010. Defendant/Third-Party Plaintiff, in its opposition, states that counsel is available, but

that counsel needs to confirm the availability of the witnesses. Since the filing of the said opposition, counsel for Third-Party Defendant has communicated to the undersigned that counsel for both parties have agreed to schedule the said depositions for January 14, 2010, at 3:00 p.m.

Being advised in the premises of the said motion and in view of the fact that the parties have come to an agreement, it is now hereby **ORDERED** that Third-Party Defendant's Motion to Compel (Docket No. 53) is **DENIED AS MOOT**.

ENTER:

Dated: January 11, 2010

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE